



### REMARKS

Applicant has carefully studied the outstanding Official Action in the parent application 09/922,770. The present response is intended to be fully responsive to all points of rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Applicant expresses his appreciation to Examiner Nema O. Berezny for the courtesy of an interview which was granted to Applicants' representative, Sanford T. Colb (Reg. No. 26,856). The interview was held in the USPTO on July 2, 2003. In the interview, claim 20 was discussed vis-a-vis the prior art patent to Wetzel. A proposed amendment to claim 20 was presented which would overcome Wetzel. In the present amendment, applicant has accordingly amended claim 20, as proposed.

Claim 21 stands rejected under 35 U.S.C. 112, first paragraph, as containing subject matter not described in the specification. To facilitate allowance of the application, claim 21 has been cancelled without prejudice. Applicant reserves the right to pursue all claims as originally filed in the context of a continuation application.

Claim 22, which depends from claim 21, has been amended to depend from claim 20.

Claim 25 is objected to because it does not further limit the subject matter of claim 20 from which it depends. Claim 25 is hereby cancelled without prejudice.

Claims 20, 25, and 28-29 stand rejected under 35 U.S.C. 102(e) as being anticipated by Wetzel. Claim 20 has been amended to recite "adhesively sealing at least one transparent packaging layer and said spacer onto said semiconductor substrate over said microstructure and at least partially spaced therefrom" which is neither shown nor suggested in Wetzel.

Claim 25 has been cancelled without prejudice. Claims 28-29 depend from claim 20 and recite additional patentable subject matter and therefore are also deemed patentable a fortiori, in view of the above discussion of the patentability of claim 20.

Claims 22-23, 26-27 and 34 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Wetzel as applied to claim 20-21 above, and further in view of Salatino. Claims 22-23, 26-27 and 34 depend directly or ultimately from claim 20 and recite additional patentable subject matter. Since the rejection of these claims relies on the rejection of claim 20, these claims are also deemed patentable with reference to the above discussion of the patentability of claim 20 as amended.

Claims 24, 33 and 36 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Wetzel as applied to claim 20 above, and further in view of Ichikawa. Claims 24, 33 and 36 depend directly or ultimately from claim 20 and recite additional patentable subject matter. Since the rejection of these claims relies on the rejection of claim 20, these claims are also deemed patentable with reference to the above discussion of the patentability of claim 20 as amended.

Applicant has also added new dependent claim 37, which is supported by paragraphs 70-80 of the specification and Figs. 8A and 8B of the drawings. No new matter has been added.

Applicant has carefully studied the remaining prior art of record herein and concludes that the invention as described and claimed in the present application is neither shown in nor suggested by the cited art.

In view of the foregoing remarks, all of the claims are believed to be in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Respectfully submitted,



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